

## FROM BENCH AND BAR.

## GATHERED FROM LAWYERS AND AMONG THE COURTS.

The two most important court proceedings of the week have concerned different branches of the law, or three might have been difficult in securing the services of enough eminent counsel to carry them on at the same time. The great Aqueduct trial begun before Judge Ingraham, in the Supreme Court, will occupy several weeks, and the judge, lawyers and jurors settled down to their tasks with the consciousness that some hard work would be necessary before the intricacies of the case could be satisfactorily unraveled. All the keenness of James C. Carter, the eloquence of Joseph H. Choate and the analytical skill and power of clear presentation possessed by Elihu Root and Treadwell Cleveland will scarcely make the trial interesting from day to day, but the issue is so important particularly that the result of the trial will be eagerly awaited. The electric-light case in which Judge Wallace is hearing argument in the United States Circuit Court also involves millions of dollars, but in the extreme technicality of the issues it renders even the Aqueduct suit simple by comparison. Judge Wallace, who usually settles at once upon the important features of a patent case, followed much of the argument of the first few days with a bewildered air, as if he were not quite certain as to what the speakers meant. The leading lawyers included several of the best known practitioners in patent law. The patent under which the Edison company seeks to maintain its exclusive rights is a comprehensive document and defines with detail pertaining to persons not possessed of mechanical skill the claim of the inventor. If it is sustained as covering the lamps used by the other companies the damages to be recovered will be greater probably than in any patent litigation of recent years.

The United States Supreme Court, among a number of important decisions delivered last week, rendered one in the Morrison Church case which is of interest because cases in which property is forfeited to the state are comparatively rare. The court decided a year ago that the law under which the Morrison Society was dissolved and the property escheated to the United States was constitutional. The only question undecided was as to the disposition of the personal property of the corporation. The general rule is that where a religious or charitable corporation abandons its operations or is dissolved by the State its property is applied to some use as nearly as possible like that designed by those who subscribed to the original society. In a case decided last month in Pennsylvania the Pauline Temperance Home, a charitable corporation designed to aid in caring for poor children, ceased to exist and its property was sold. The court appointed a master to report a scheme for the expenditure of the funds received from the sale of the property. Many charitable institutions sought to obtain the money, but it was awarded to the Children's Aid Society. The Germanantown Dispensary and Hospital objected to this use of the funds, but the Pennsylvania Supreme Court has decided that the object of the Children's Aid Society was nearer that of the Pauline Home than that of any of the other applicants, and the award was affirmed. As Congress gave no directions as to the disposition of the Morrison fund the United States Supreme Court has ordered the appointment of a master who shall report a scheme for its distribution. As one of the distinctive features of the Morrison Church was the doctrine of polygamy an interesting matter for the referee to decide will be as to what worthy object is most in accord with the unworthy one which the church sought to advance.

The learned justices of the Queen's Bench Division of England have recently given a final decision in a famous clothesline case. A Mrs. Coles, of Crediton, in Devonshire, had a clothesline which extended across the property of a Mr. Heard, living next door. Mr. Heard believed that some plants which he valued highly were injured by the soapy water dripping from the clothes. He accordingly cut the line at a place where it extended over his garden, and Mrs. Coles's clothes, which had been suspended from the line, fell to the ground. In her indignation she caused the arrest of Mr. Heard on a charge of committing malicious mischief. He was convicted, although he said that he had warned Mrs. Coles on previous occasions, and had only cut the line on his own property. Lord Chief Justice Coleridge remarked when the appeal was argued before him: "I have always understood the law to be that if a branch of my neighbor's tree overhangs my ground I may cut it down, and I suppose the same rule holds if his shirt overhangs." The judges thought that the magistrate might have been led to convict because Mr. Heard did not ask Mrs. Coles to remove the clothes before he cut the line, but they set the conviction aside. As Lord Coleridge remarked: "Perhaps as a Christian he had better have waited and asked, but I am not sure that in law he was bound to do so."

The rule as to the fruit falling from the overhanging branch of a neighbor's tree has been discussed

by a Connecticut man, who is troubled because his neighbor has a tree for which the worms have a particular fondness. The tree has been the resort of an especially large number of worms this spring, and they have dropped from the boughs on the complaining man's ground to his great annoyance. To his complaint the neighbor has replied that while the tree bore fruit the complainant was glad to have it fall over the fence, and he should not fault if he has his share of the only product of the tree this spring. The courts will have to settle the dispute.

The Western Union Telegraph Company obtained last week a decision in a Mississippi court holding that the company was not liable to damages for mental suffering caused by delay in delivering a message announcing the death of a brother. Other courts have recently passed on similar questions and have usually decided against the company. In a Texas case a brother recovered \$1,000 as damages for delay in sending a telegram announcing his sister's death. The telegram was left with the operator early on Sunday morning, directed to a town nearby, but was not sent until the afternoon, when it was too late for the brother to catch a train so as to be present at his sister's funeral. In another case \$100 was recovered for a similar delay. A father and son in another Texas case began a suit against the telegraph company which was decided a few weeks ago. The boy dislocated his arm and his mother sent a telegraphic message for a doctor. The message was not delivered. No other effort was made to obtain a physician, but nine days after the accident the doctor to whom the message was sent happened to be passing the house and went in. He found that it was too late to set the boy's arm, which should have been attended to promptly. The arm was permanently disabled, and the boy recovered over \$4,000 as damages. The Supreme Court held that the father could not obtain compensation for the loss of his son's services, because he was himself negligent in not again sending for a doctor when the telegram was not answered.

In a recent Pennsylvania action the plaintiff sought to recover damages from a trust company for injuries inflicted by the sudden opening of a door in a fence in front of a house belonging to an estate of which the company was the trustee. A life interest in the house had been left by Jane Thomas, the former owner, to her sister, Sarah B. Bull, and Mrs. Bull was to keep it in repair. The company acting as trustee exercised no control over the premises, yet the trial judge held that it was responsible for the injuries. The Supreme Court reversed the judgment, holding that even if the trustees could have had any responsibility for the existence of the fence, the injury was caused not by the fact that the fence was there, but because some one opened the door suddenly just as the plaintiff was passing. Chief Justice Paxton, who wrote the opinion of the Supreme Court, has a lively sense of humor, as is shown by the fact that he carefully quotes this gem of legal eloquence from the printed argument of the plaintiff's counsel: "If," the lawyer says, after quoting an opinion of Judge Paxton, delivered in a previous case, in which injury had been caused by the swinging open of an engine-house door, "the opinion of the learned Chief Justice, as stated by the law, then all the ordinances are 'Babel of tongues,' and all the law laid down a 'vain show of platitudes,' and along every highway and byway not only may be constructed engine-houses but stores and warehouses, and operate their doors by means of springs and bolts, which open outward across every sidewalk in this city entirely across the street, so that the doors operated in this way shall stand as armed men on every highway where it suits private whims and caprices to have them; and if such nuisances are to have the solemn sanction of the highest tribunal in Pennsylvania, then I submit that all the rights guaranteed to the citizen are at an end, and awnings, signs, doorsteps, erections, frames, posts, poles, porches, porticos, benches are to hold high carnival, without limit, upon the public highways of Pennsylvania." Judge Paxton remarks calmly that notwithstanding this prediction of the dire evils of such a course the court does maintain its former opinion.

The Editor of "The New-York Law Journal" has not had so much experience as Irving Browne, of "The Albany Law Journal," but from the specimens published in the last number of "The Green Bag," it is apparent that Mr. Larremore is a better poet than the editor. It has, in fact, often been a cause of wonder to the readers of Mr. Browne's excellent prose that he could write such poor poetry as that which he occasionally indulges upon his readers. His latest contribution is a rhyming discussion of a Pennsylvania case in which it was held that a man who was injured by the fall of a trapeze performer was not guilty of contributory negligence because he occupied a front seat at the theatre. It has the usual faults of flippancy and unevenness. Mr. Larremore's contribution is a modest sonnet on Memorial Day, which shows considerable poetic feeling. The "Green Bag" contains an illustrated article descriptive of the mother-in-law of Francis Bacon, and of some of her relatives. In the "Notes" of the magazine are given some odd names of reported cases, among them being Gold vs. Death, O'Connell vs. Gleason, Succession of Herr, Gullett vs. Gullett, Shurtz vs. Shurtz, Estate of Phileas, Mitter of Pie, and Pancho vs. Harris.

## HEARD AMONG CLUBMEN.

## WHAT MEMBERS OF WELL-KNOWN ORGANIZATIONS ARE INTERESTED IN.

The result of the Union Club's annual meeting last Thursday night was scarcely surprising to men who have been following the steady progress of the sentiment in the club in favor of moving uptown. It is hard, though, for clubmen to realize that the Union has actually decided to turn its back on the site which it has occupied for more than thirty-six years, and the affairs and prospects of the Union Club will be the theme in the club cafes and lounge-rooms for many a day to come. As soon as the organization of the Metropolitan Club was assured the imperative necessity of the Union's increasing its membership and getting in the uptown swim with the Metropolitan was recognized. The idea was taken up by clubmen in general and in due time by the Union Club men. No club in town is in better condition than the Union to take such a step. Its annual statement just issued places a valuation of \$400,000 on the present clubhouse and annex and the land on which they stand, but experts in reality assert that that is a moderate valuation. Even accepting this valuation and taking into account the furniture and other property of the club, which is valued at over \$60,000, the Union Club is worth over \$460,000 in the clear, at its single obligation, outside of a few outstanding bills, is an issue of mortgage bonds to the amount of \$55,000, which was placed to cover the cost of construction of the annex, in part. All these bonds are held by members of the club who will never press them, and the Union thus has at least \$400,000 as a nest-egg for the purchase of an uptown site and the erection of a new building the total cost of which will probably not exceed \$1,000,000 at the outside. To raise \$200,000 on a \$1,000,000 lot and building is an easy matter, and hence the Union will have smooth sailing so far as the mere raising of the necessary money is concerned.

The total receipts of the Union Club for the year ending May 1 last were considerably in excess of \$250,000, the income from dues alone being over \$60,000, and the receipts from the various departments of the club being as follows: Restaurant, \$51,452.80; wines and liquors, \$74,588.05; cards, \$4,238.15; billiards, \$2,943.44. On May 1 there were 1,194 regular members, thirty-three Army and Navy members and ten life members; thirty-three regular, two Army and Navy members and one life member having died in the year, twenty members having resigned in the same period. On that same date there were 330 names on the waiting list.

It is said authoritatively that the Metropolitan Club has enrolled more than 600 resident members up to date, and that preparations for the erection of the clubhouse will be no trouble in raising the necessary money is apparent by glancing over the list of members, as there are at least a score, if not two score, of members who could easily afford to say to the club, "Just go ahead with this thing and I will guarantee all the expense." Of the membership nearly a third are Knickerbocker Club men, not quite so many more are Union Club men, and the other members have been selected from the social and financial magnates of the city independent of their club affiliations. The Metropolitan will in all probability eventually take rank as the first social club in the city.

The annual evidence of the triumph of the "society" element in the New-York Southern Society is just out in the shape of the publication of that organization labelled in big type on the cover "Fifth Annual Report." Beyond all question the Southern Society is the only club in town which will insist on calling itself a society and dubbing its club-book a "report." As a matter of course, the "report" is gotten up somewhat after the style of an agricultural society's report or a Farmers' Alliance publication. For instance, instead of in hard bound covers and all that sort of thing, the "report" announces in the table of contents "Officers of the Society" and "Objects of the Society," and all through the club-book report the word "society" sticks out. Among other things, the report gives an explanation of the mysterious button which certain gentlemen of Southern blood have been wearing around town for the last few weeks. It appears that it is the "society" badge, and in its possession the Southern Society is unique among New-York clubs. The button is circular and is divided into quarters by two representations of the windmill sails, taken from the coat-of-arms of the City of New-York and the St. Andrew's Cross, which, as the report puts it, "is rendered by association dear to Southern hearts." One of the features of the unique publication is the arrangement of the names of members of the society. Of course, since the report deals with a "society" and not a club, the list of members must be printed in a "society" and not in a club fashion. Hence the names of the 600 resident members are strung along across the page in criss-cross fashion, each name occupying an entire line and being

pushed to the right half an inch further than the name above it.

Many a clubman has tried to define the distinction between the Knickerbocker Club's membership and the Union Club's membership, but no one has ever hit it off so happily as a certain prominent clubman who remarked the other day that there were a good many more leaders of the German to be found in the Knickerbocker Club, but that there were far more men whose fathers had been Union Club men before them to be found in the Union Club than in the Knickerbocker Club.

The pool tournament which has been the attraction at the Alpha Delta Phi for the last six weeks was finished last week. H. S. Shipman captured the first prize, G. T. Donnell the second and S. H. Traut, Jr., a locker Club, but that there were far more men whose fathers had been Union Club men before them to be found in the Union Club than in the Knickerbocker Club.

The annual election of the Holland Society was held in the theatre of the Manhattan Athletic Club house last week. Ex-Judge George M. Van Hoesen was elected president, Judge Charles H. Traut was chosen vice-president for the city of New-York, Theodore M. Banta was elected secretary and Eugene Van Schaick, treasurer. Chauncey M. Depew and the Rev. Dr. van Dyke were elected to the board of trustees. The election was unanimous and the best of feeling prevailed. The society is in a highly prosperous condition, having nearly a thousand members and a surplus in the treasury.

The opening reception of the Oransea Field Club at Armour Villa Park took place last Wednesday evening. There was a big attendance on the part of members and friends of the club, some of those present being ex-Speaker James W. Husted, W. H. Robertson, General and Mrs. Thomas F. B. Hildreth, Lieut. General and Mrs. F. H. Hildreth and Judge Alfred Smith.

The members of the Tenderloin Club met at their usual ghostly hour last Wednesday night and revised their constitution. The initiation fee has already been suspended for three months, and under the revised constitution the governors of the club will have power to suspend the fee whenever they please. Another change in the workings of the club consequent on the revision of the constitution will require members henceforth to have membership tickets in order to secure admission to the clubhouse. The grill-room is now in running order, and the so-called summer garden on the roof is also in shape. The club is to have a golf club. Candidates' votes are not being tested by Professor Francesco Fancello, who is a member of the club. Information relative to the club may be obtained on application to F. N. Iveagh, secretary of the music committee.

The pastel portrait of ex-President Everett P. Wheeler, of the Reform Club, by G. R. Hurlbut, which was recently presented to the club by Louis Windmiller and one or two other prominent members, is now on exhibition in the parlor of the clubhouse. It is an excellent likeness, and is generally admired.

The table d'hôte dinners that have been served at the Alpha Delta Phi Club-house, Madison-ave. and Thirty-ninth-st., during the winter, on Wednesday and Saturday evenings, have become so popular that the House Committee has decided to have dinner served every night at 6:30 o'clock, beginning with June 1. It is expected that during the summer, when the families of many members are out of town, the clubmen will frequently avail themselves of this privilege.

## A BOUQUON THAT PRINCE NAPOLEON LIKED.

When Prince Napoleon visited this city thirty years ago General Sikes was organizing his Excelsior Brigade at Camp Scott, Staten Island. Many French residents had enlisted in the 5th Regiment, that wore the uniform of the French Zouaves, and among them were some who had served with the Prince in the Crimea. When he paid a visit to the camp they recognized him at sight, despite his incoherence, and hailed their Pion-Pion as an old comrade. Camp-drill was suspended for the day and the Prince was regally entertained. In the absence of the General, Major Olmstead "did the honors." The major deplored sadly that the camp afforded no wine. "But," he said, hopefully, "we have some rare old whiskey, if you care to try it." He paved the bottle to his guest. Pion-Pion sampled the whiskey and helped himself to another drink. "What kind of whiskey did you say it was?" he asked, smacking his lips. "Bourbon, your Highness," responded the Major proudly, while his French comrades-at-arms stood at rest. "Ah," said the Prince, with just a suspicion of a twinkle in his eye, "I never thought I should love the Bourbon so well."

## WHERE YACHT SAILS GLEAM

## THE WHITE CANVAS EVERYWHERE.

## PREPARATIONS FOR THE SEASON ABOUT COMPLETED—VARIOUS NOTES.

The process of preparation is almost entirely over and the white sails of yachts gleam upon the sea. The swift black hulls of steam yachts glide through the rippling waters, and towering pyramids of leaning canvas add beauty to the marine view as they glide along by the green shores of Bay Ridge and Staten Island.

The boat whose advent in a race all yachtmen are now watching for, and whose coming performances they are all wondering about, is the Herreshoff 46-footer Gloria. Herreshoff never turned out a bad model, and most of them have been of remarkable speed. The Gloria is not a type of boat in one particular that ought, it seems, to be encouraged. That tremendous overhang is not exactly in accordance with received ideas of what a yacht should be, even if the Gloria succeeds in carrying it all right. When under way the yacht must, it would seem, get the advantage of a portion of it. It must be a slippery time allowance indeed which can get the advantage of "Nat" Herreshoff.

The full bows of the Gloria are a feature which is likely to prove successful. It is one which the Herreshoffs have experimented with and found to work well. Not only in the dominant racing class of sailing vessels, but in steam yachts, the Bristol builders have set out this year to eclipse everything else, and have launched a new steam yacht for W. B. Hearst which, it is predicted, is to be the fastest steam yacht afloat. The contract calls for a speed of twenty-five miles an hour. She will have Thornycroft boilers and quadruple-expansion engines. Her smoke-stack will be of brass, and her interior fittings palatial. She will be, in fact, both beautiful and swift, a joy forever, or until some one is able to build a handsomer and faster one.

Yachtsmen will have the advantage in the 46-foot class this year in that he will have so many boats in it. If one falls another may succeed. Pion will hardly be fairly represented, as two of his boats, the Jessica and Uvira, are not new. The Barbara, designed by Pion and built by Lawley, is the only one of this year's productions of the great Scottish designer which is likely to meet the new boats this season. Still, Pion is a great man and his boats are winners.

The Uvira is now at Newport. She was originally built for the Commodore of the Royal Nova Scotia Yacht Club and sold by him to Mr. Sands, her present owner.

The Golden Fleece went down to Gravesend Bay last week and "swung ship" to adjust her compasses. On Wednesday afternoon she steamed up to above Fort Wadsworth and ran up her flag, formally going into commission. As soon as she was in commission she saluted the United States gunboat Concord, which was lying nearby. Mr. Osborn has spent no end of money in overhauling the Golden Fleece and decorating her cabin this last winter, and now has got her exactly to his liking.

At Manning's Basin the sloop yacht Nirvana is ready to go into commission.

The schooner yacht Albatross, which in old times used to be the Heslies, is also about ready to hoist her flag for the season.

Commodore Gerry will have to keep a sharp lookout this year or the fame of the Electra will be eclipsed by that of the Golden Rod. Commodore Watt has entered the field and sworn by the bobstay that the Wilshire hams, woodcock pates and perfectly frapped champagne, the memory of which lingers long after the summer has departed, with those fortunate enough to be guests on board the Electra, shall be equalled if not exceeded by the good things which will comprise the plain and simple fare of the Golden Rod.

Mr. Turner, the owner of the new 46-foot Owens, has just been elected Vice-Commodore of the Massachusetts Yacht Club.

The crew of the Owens will be made up, it is stated, of men from the old crews of the Clara and Minerva. With Captain Charles Barr at the tiller and a crew of such men the Owens ought not to fail, if she does fall, for want of being properly handled.

Frederick W. Vanderbilt's recent English purchase, the steam yacht Conqueror, will soon sail from Southampton for this country.

The old yacht Mohawk, now belonging to the Government, and called the Eagle, never looked so well as she does this spring. She seems to have an eternal lease of life, and is to-day almost as sound as the day

she was launched. This year she is painted white and looks as "pretty as a picture."

Of all the bad taste shown in selecting names for yachts none has ever quite risen or rather fallen to that of Paul Ralli, formerly owner of the Yaras, who has named a small yacht just launched for him on the other side of the Strait.

Archibald Rogers has sold his cutter Tom Boy to A. B. Smith, of Boston.

A question of great interest to yachtmen came up last week and, strange to say, it came up in the Barge Office, a place not given as a rule to the consideration of subjects affecting yachting. Some men arrived here as second-cabin passengers who said that they had come over to ship on W. W. Durand's new steam yacht, now nearly completed at Philadelphia. The Contract Labor Bureau declared that they came under the head of contract laborers, and so informed Mr. Durand. He denied having hired them and no effort was made to send them back. But in the discussion of the subject the fact became known to the officials that many cutters over here are manned by crews brought over annually from Scotland and England. The officials say that under the law contract laborers can be sent back any time within a year. Now it is a well known fact that some of the fastest boats that are to race this season have foreign crews on board which have come over here under contract, as they have been in the habit of doing for years past. It would be a "pretty how de do" if the officials of the Barge Office should some fine day swoop down on the two Captain Barrs and several other well-known skippers and send them and their crews back to England.

The change in the place of rendezvous for the New-York Yacht Club when the annual cruise begins from New-London to Glen Cove will allow the club members to partake of the champagne which Jenkins Van Shick has promised them, but it is doubtful if it will be satisfactory in other respects. Long Island Sound used to be the favorite yachting ground for New-York yachtmen, but of late years there has come a more healthful longing for the sea and the club members are at all times crowded with merchant craft and a large yacht fleet sailing down from Glen Cove to the race will be an unmitigated nuisance. Suppose the fleet is located at night in the Sound in the track of that procession of steamers which half the night goes to the eastward and the other half goes to the westward, some accident is most likely to occur. Then as to testing the real merits of the yachts on Long Island Sound, Central Park Lake would be as good a place as it were a little larger. An excursion steamer is to accompany the fleet to Newport, and if a steam callop is attached to it to accompany the guests the fleet is bound to be a little larger. J. H. Maxwell will have both the Shamrock and his new 46-footer Nautilus in hand this season, and expects to add to the laurels of his old boat as well as to win some for his new.

The Nautilus is in such a state of preparation that there is no doubt of her being ready for the spring races.

## A DANISH POET'S EGOTISM.

President Charles F. MacLean, of the Police Board, was in Copenhagen, a student-traveller, when the Danish Crown Prince brought home his Swedish bride in the summer of 1889, and witnessed the entry into the capital of the royal couple from the house of a friend on the route of the procession. In the company were several well-known, distinguished women and that great story-teller, Hans Christian Andersen. The women occupied front seats at the window, and received marked attention from the court dignitaries in the procession. Some one in the company remarked that this particular window seemed to possess peculiar attraction.

"Oh, yes!" said the aged poet, pleased and happy on his seat where he had been seen by nobody, "Everybody knows me."

The quiet smile that went around the group had no trace of unkindliness. His childish vanity was one of the amiable traits of the gentle old man which everybody knew and honored. "It was," said Mr. MacLean, telling the story recently, "the most charming egotist I ever knew," and thus aptly characterized the best known of Danish poets as those who saw him in daily life knew him.

## ONE WOMAN'S POCKET.

From The Christian Union.

A Boston paper, commenting on women's clothes, says that the women of to-day need pockets infinitely more than the women of olden times. Certainly pockets would add to the comfort and physical freedom of women of the present day, but to be an advantage they must be placed in a position where the water can reach them without growing red in the face with the effort. The other day a lady walked down Broadway dressed in a tailor-made cloth gown, on the right side of the skirt, at a convenient distance below the waist line, was a pocket inserted as a jacket pocket is inserted, and covered with a stitched and buttoned flap. The pocket was deep and broad under the skirt, and an object of envy to the women struggling with purse, card-case, umbrella and handkerchief. The tailor-made gown was the result of a demand for a dress light in weight and free from dust-gathering and mud-accumulating draperies, but it has cut itself down until its lightened skirt will not permit that necessity to every woman's happiness and freedom—a get-at-able pocket.

# COMMENCES TO-MORROW

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